



Building Department Handbook

Presented by

NEW HAMPSHIRE BUILDING OFFICIALS ASSOCIATION



PREFACE

Building Department Procedure Manual

This Building Department Procedure Manual has been developed by the New Hampshire Building Officials Association. The NHBOA members are local building officials, building inspectors, code officials, and subscribing members of the construction industry in New Hampshire. All with the common goal of public safety through consistent, educated code understanding and compliance.

This manual has been designed for a twofold purpose.

First: To help communities who may be considering undertaking the role of building code enforcement in their community and what is involved to bring such an endeavor to fruition. It is important to keep in mind some of the cost for a municipal building department will be offset by your permit fees.

Second: It has also been designed to help newly appointed building code enforcement personnel with documents and statutory references they may find useful in their day to day operations.

While this manual contains many links to examples of documents used by various jurisdictions within the State of NH it is by no means an all-inclusive document. The procedures outlined in this document are intended to be a guide or starting point. Each jurisdiction must determine the methodology that works best for itself. Please contact us if you have questions as you review this document. Please visit our web site www.nhboa.net where you will find other helpful information or send us your inquiry at: [email NHBOA](mailto:email@nhboa.net)

Regards,

NHBOA Board of Directors

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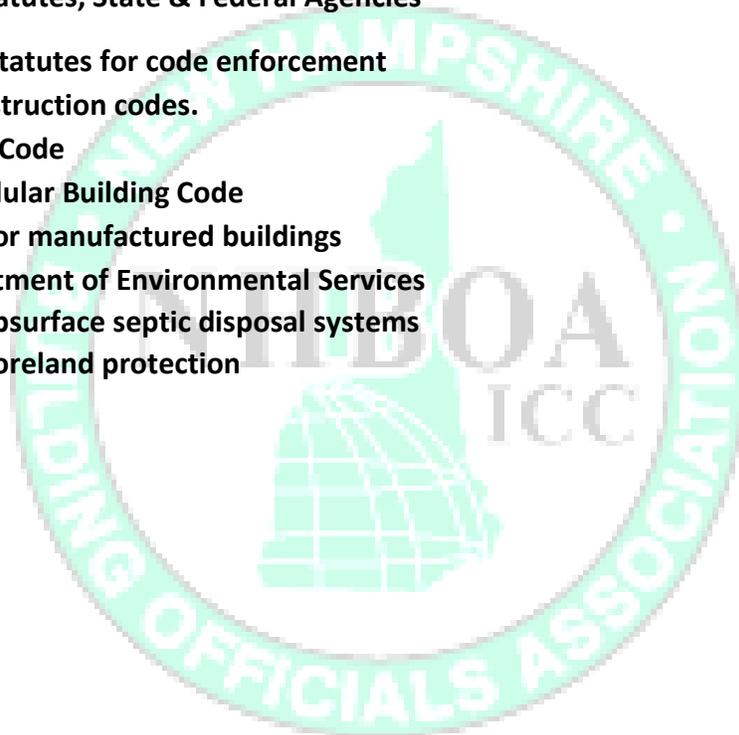
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Part I

What is the benefit to our community in having code enforcement?

Everyone wants, expects, and deserves protection from disasters in their homes, offices schools, stores, factories or places of entertainment. Each of us presumes we will be protected from disasters such as fire, structural collapse and general deterioration in our buildings. Overall the construction industry wants to do things right. However along with rising material & labor costs, modern designs, and new construction material technology are driving the industry to find cost cutting measures. These cost saving measures, when applied correctly, will produce safe and long lasting buildings. But when they are used just to replace “old ways” it doesn’t work. It is in these cases of misapplication is when everyone loses.

This where building code enforcement comes into play. A building inspector’s responsibility is to be another pair of eyes to identify errors in both the building plans and the execution of the work. Like many things in our lives; it sometimes it takes another set of eyes having a different perspective and knowledge to spot things that are not just right and are easily overlooked due time constraints and a lack of understanding. Part of a building inspectors job is to help educate and explain to their customers why things sometimes just don’t work the way they used to. While building codes have limitations over the items governed by the codes; they act as not only checks and balance for safety; but in a way are a type of consumer protection to help ensure the customer is getting a product that at least meets the minimum standards. This is always important to keep in mind: **Building codes are minimum standards.**

Buildings that are constructed, repaired, and or remodeled in accordance with current code requirements are apt to be safer, more energy efficient, and more comfortable to live in than those that have had no independent oversight. The lack of oversight has greater potential to cost property owners financial losses due to property liability factors, premature building repairs, and catastrophic loss due to natural and manmade events. They also have a financial impact on the community as well through loss of revenues and additional demands on public safety services.

One last item a community will want to take into consideration is the potential impact to its property owners with regards to property insurance. The insurance industry relies on ISO information as one of the many factors when setting insurance rates for your community. For more detailed information on this process follow this link: [ISO mitigation](#)

Code enforcement authority & where does it come from?

A community's authority to have code enforcement comes from numerous New Hampshire Revised Statutes Annotated (RSAs).

[RSA 155-A](#) is the statute creating a uniform set of state wide construction codes and it also clarifies only municipalities that have adopted specific code enforcement procedures are empowered to enforce them. This statute also makes it clear a community is **not** statutorily required to adopt the code enforcement mechanisms. [RSA 155-A:7](#) clarifies local municipalities are empowered to enforce the construction codes through their appointed enforcement agent by way of [RSA 674:51](#), and the state fire code through their local fire chief ([RSA 154:2 II](#)). The only time the State of New Hampshire has any control over local construction codes is when the community has not adopted the required enforcement mechanism and requests them to do so in writing ([RSA 155-A:7-I](#)). We need to point out at this time [RSA 154:2](#) empowers the local fire official to enforce the state fire code, [Saf-C 6000](#), which is part of the state building codes under RSA 155-A.

Communities are no longer required to adopt individual codes but to only adopt an enforcement mechanism. As we will discuss later when creating the warrant article for code enforcement you only need to reference the specific statute that contains the listed state construction codes. This eliminates the need for ordinance updates when the state codes change or are modified.

The major RSA's pertaining to code enforcement authority are:

[RSA 155-A](#) [RSA 674:51](#) sections 675:2, 675:3, & 675:4 are noted in [RSA 675](#) (the different sections deal with the different types of legislative bodies in municipalities) [RSA 673:1 V](#)

Do we have to enforce all of the codes?

Construction code enforcement is not an a la carte undertaking. The community does not get to choose which codes they will or won't enforce. . This concept is reinforced by the language contained in RSA 155-A:2 VIII, RSA 155-A:3 IV (b) & [RSA 674:51](#) .

The codes are created by a national code consensus group and changes are made as errors or deficiencies are discovered in previous versions and to incorporate new construction technologies. During this process a great deal of care is taken to ensure any change works harmoniously in all of the building disciplines. The disciplines are intertwined in such a way so an inaccurate application in one could result in the requirements of another code not being met.

Code enforcement covers two types of projects: Residential (1 &2 family dwellings and townhouses) and Commercial (all other construction including multi-family buildings). We are aware of at least one community in NH that has adopted code enforcement but only for commercial projects. It is our understanding the community did not want oversight for single family homes but did want oversight of commercial projects due to the public risk factor for those types of projects.

As an association of public safety officials it is our opinion residential dwelling occupants should have the same protection as shoppers and office workers.

The current list of State adopted Construction codes are:

- 2009 International Building Code
- 2009 International Existing Building Code
- 2009 International Residential Building Code
- 2009 International Plumbing Code
- 2009 International Mechanical Code
- 2014 NFPA 70 National Electrical Code
- 2009 NFPA 101 Life Safety code
- 2009 NFPA 1 Fire Code
- NH State Fire Code [State Fire Code](#)
- Along with any State adopted code amendments [State codes & amendments](#)
- State Modular Building Code - [Saf-C 3300](#)
- Manufactured housing installation standards - [Inst Rules](#)

Who gets the final say in how the building & fire codes are applied?

Inevitably in every community there will come a time when a builder, resident, or developer will not like the decision or determination made by your building inspector. The typical reaction of municipal administrators (Town Manager, Town administrator, select person, department head or council member) is to resolve the issue themselves since it is their responsibility to respond to citizen complaints. However since the mechanisms used to adopt code enforcement requires an appeals process to be created it is best to always rely on that process when the issue at hand is due to the application of the code and not a personality issue. First and foremost those administrators that are in a position to dictate to the building inspector should remember the person they are dealing with is more likely to have greater understating of code requirements than they do. Also from a statutory stand point only the appointed building inspector has the authority to make code determinations. When a local official instructs an inspector not to enforce the code requirements the inspector is now in violation of [RSA 643:1](#) and [RSA 676:13 II](#).

While to the best of our knowledge no inspector has ever been prosecuted under these statutes it is more logical for the community to follow the standard appeals process so there is never any question about the uniformity of code enforcement. The appeals board creation and authority is governed by the language in [RSA 674:51 III \(b\)](#) , [RSA 673:1 V](#) , [RSA 673:3 IV](#) , [RSA 673:5](#) , [RSA 674:34](#) . The appeals process regarding notices and appeals time frame are regulated by [RSA 677](#).

In the majority of communities the Zoning Board of Adjustment will act as the Building Code & State Fire Code Board of Appeals (local fire official decisions & determinations only - [RSA 154:2 II \(b\)](#)). It is recommended the time frame from date of application for an appeal to hearing date be reduced to a minimum rather than the typical zoning appeal. The delays due to construction appeals can be costly to a property owner. Your community legal counsel or Zoning Officer will be able to provide guidance in this matter.

What are our options?

When a community determines it would like to undertake the task of code compliance enforcement there are two statutorily ways it may be achieved. The community may employ their own inspector as noted in previous sections or they may achieve compliance by way of a qualified “contract” third party inspector. This latter method is a recent legislative change designed to permit smaller communities with a method to achieve code enforcement without the financial burden of employee overhead costs, [RSA 155-A:2 VI](#).

Another scenario available to smaller communities with infrequent permit needs, is to join with other nearby communities and “share” a building inspector. Currently within the NHBOA organization we have members that are working part time in as many 4 different communities.

A common concern for smaller communities pertains to employee absences for vacation or sick leave. Once it is determined code enforcement is desired it must be kept in mind construction does not stop for vacations or sick days. To that end one of our members has created a reciprocity agreement communities may enter into providing coverage for each community during absences of its inspector. This document is being provided as a framework for other communities to use and modify as needed. We strongly suggest your municipal legal counsel review and approve before entering into any agreement.



This Agreement is entered into by each of the entities that executes and adopts the understandings, commitments, terms and conditions contained herein:

WHEREAS, Chapter 53-A of the New Hampshire Revised Statutes Annotated, permits municipalities to make the most efficient use of their powers by enabling them to co-operate with other municipalities on a basis of mutual cooperation; and

WHEREAS, under Chapter 53-A and other chapters of the New Hampshire Revised Statutes Annotated, entities entering into mutual aid and assistance agreements may include provisions for the furnishing and exchanging of supplies, equipment, facilities, personnel, and services; and

WHEREAS, the Towns of Auburn and Chester wish to provide mutual aid and assistance to one another in the area of building inspection and code enforcement services at appropriate times.

THEREFORE, pursuant to RSA 53-A:3, I, the Town of Auburn and Chester enter into this Agreement for reciprocal building inspection and code enforcement services, with this Agreement embodying the understandings, commitments, terms and conditions for said aid and assistance, as follows:

As this is a reciprocal contract, it is recognized that any party to this Agreement may be requested by another party to be a Provider. It is mutually understood that each party's foremost responsibility is to its own citizens. The provisions of the Agreement shall not be construed to impose an unconditional obligation on any party to this Agreement to provide aid and assistance pursuant to a request from

another party. Accordingly, when aid and assistance have been requested, a party may in good faith withhold the resources necessary to provide reasonable and adequate protection for its own community, by deeming itself unavailable to respond and so informing the party setting the request.

Pursuant to RSA 53-A, all functions and activities performed under this Agreement are hereby declared to be governmental functions. Functions and activities performed under this Agreement are carried out for the benefit of the general public and not for the benefit of any specific individual or individuals. Accordingly, this Agreement shall not be construed as or deemed to be an agreement for the benefit of any third parties or persons and no third parties or persons shall have any right of action under this Agreement for any cause whatsoever. All immunities provided by law shall be fully applicable as elaborated upon in Section VI of this Agreement.

SECTION I : LENGTH OF TIME FOR AID AND ASSISTANCE; RENEWABILITY

- A. Unless otherwise provided, the duration of Provider's assistance shall be presumed to be for an initial period of one week. Thereafter, assistance may be extended as the situation warrants for periods agreed upon by the towns for a period not to exceed thirty (30) days.
- B. As noted previously, Provider's personnel, equipment or other resources shall remain subject to recall by the Provider to provide for its own citizens if circumstances so warrant. Provider shall make a good faith effort to provide at least twenty-four (24) hours advance notice to Recipient of its intent to terminate portions or all assistance, unless such notice is not practicable, in which case, as much notice as is reasonable under the circumstances shall be provided.

SECTION II: COST DOCUMENTATION

- A. Personnel – Provider shall continue to pay its employees according to its then prevailing rules and regulations. At the conclusion of the period of assistance, the Provider shall document all additional direct and indirect payroll costs plus any taxes and employees benefits which are measured as a function of payroll (i.e.: FICA, unemployment, retirement, etc.), incurred as a result of the assistance.
- B. Vehicle – Provider shall document any expense incurred for the use of either a municipally-provided vehicle or a private vehicle utilized by the Building Inspector. In either event, mileage incurred for the service provided will be documented and reimbursed at the rate allowed by the U.S. Internal Revenue Service.

SECTION III: RIGHTS AND RESPONSIBILITIES OF PROVIDER'S EMPLOYEES

Whenever Provider's employees are rendering aid and assistance pursuant to this Agreement, such employees shall retain the same powers, duties, immunities and privileges they would ordinarily possess if performing their duties within the geographical limits of the Provider. Provider's employees shall be supervised and managed by the Town Administrator while working in Auburn or by the _____ while working in the Town of Chester. However, the individual employees shall be subject to the personnel rules, policies and procedures of their employing community. Any performance, compensation, benefits or disciplinary issues arising during the period of the mutual aid assignment shall be addressed to the employing municipality of the individual, to be handled by that employing municipality.

SECTION IV: COMPLIANCE WITH R.S.A. 53-A:3

- A. *The duration of this Agreement is two years. It may be renewed by mutual agreement of all parties, under such terms as all parties may agree upon.*
- B. *There is no separate legal entity, or organization being established. The Towns are interested in formally sharing existing building inspector and code enforcement personnel and other resources, and seek to establish the framework to accomplish that.*
- C. *The purpose of the Mutual Aid Agreement is to formally allow the Building Inspectors of the Town of Auburn and the Town of Chester to fill in for each other as may be needed within the jurisdictions of Auburn and Chester, to ensure the two communities building inspection and code enforcement functions are covered during times of prolonged illness; vacations; extended leaves, etc.*
- D. *The financing of the existing building inspection/code enforcement functions are handled individually within the operating budgets of the Towns of Auburn and Chester. This will not change under this Agreement. The Mutual Aid Agreement provides a framework for reimbursement of expenses for services provided by one community to another.*
- E. *By written notice from one governing board to another, this Agreement may be terminated with 30 days' notice. There will be no jointly owned property, so there will be no property to be disposed of should the agreement be terminated. Upon termination, the only obligation will be for each town to pay for any services provided or expenses incurred prior to the termination date.*
- F. *This Mutual Aid Agreement shall be administered by the governing boards of Auburn and Chester, or their designees. The agreement specifies that the Auburn Board of Selectmen designates the Town Administrator as the administrator responsible for day-to-day oversight of the Agreement.*
- G. *There will be no acquiring, holding and disposing of real and personal property jointly by the Town of Auburn and Chester as a result of this Mutual Aid Agreement. Both communities will utilize existing resources owned individually by either the Town of Auburn or the Town of Chester.*

SECTION V: WORKER'S COMPENSATION AND LIABILITY COVERAGE

Provider shall furnish worker's compensation coverage for its employees during their performance of mutual aid services under this Agreement. Recipient shall not be responsible for reimbursing any amounts paid or due as benefits to Provider's employee due to personal injury or death occurring during the period of time such employee is engaged in the rendering of aid and assistance under this Agreement. It is mutually understood that Recipient and Provider shall be responsible for payment of such workers' compensation benefits only to their own respective employees. Further, it is mutually understood that Recipient and Provider will be entirely responsible for the payment of workers' compensation premiums for their own respective employees.

Provider shall furnish liability coverage for its employees performing services under this Agreement, and shall be solely responsible for the premiums.

SECTION VI: IMMUNITY

Pursuant to RSA 53-A, all activities performed under this Agreement are hereby declared to be governmental functions. The parties to this Agreement and their respective employees retain all governmental immunities, protections and defenses as may be available under law..

SECTION VII: PARTIES MUTUALLY AGREE TO HOLD EACH OTHER HARMLESS

Each party (as indemnitor) agrees to protect, defend, indemnify, and hold harmless the other party (as indemnitee), and its officers, employees, and agents, free and harmless from and against any and all losses, penalties, damages, assessment, costs, charges, professional fees, and other expenses or liabilities of every kind and arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind in connection with or arising out of indemnitor's negligent acts, errors and/or omissions. Indemnitor further agrees to investigate, handle, respond to, provide defense for, and defend any such claims, etc., at indemnitor's sole expense and agrees to bear all other costs and expenses related thereto. To the extent that immunity does not apply, each party shall bear the risk of its own actions, as it does with its day-to-day operations, and determine for itself what kinds of insurance, and in what amounts, it should carry. Each party understands and agrees that any insurance protection obtained shall in no way limit the responsibility to indemnify, keep and save harmless the other parties to this Agreement.

SECTION VIII: EFFECTIVE DATE

This Agreement shall take effect upon its approval by the governing boards of the Towns of Auburn and Chester and upon proper execution hereof. This agreement shall remain in effect for two years its execution, and can be renewed by joint action of the two governing boards.

IN WITNESS WHEREOF, each of the parties have caused this Mutual Aid Agreement to be duly executed and approved with the concurrence of a majority of their governing board, as of the date set forth in this Agreement.

TOWN OF AUBURN BOARD OF SELECTMEN
Witness:

TOWN OF CHESTER BOARD OF SELECTMEN
Witness:

Sample warrant article

Working under the presumption the legislative body in your community requires the adoption of code enforcement be by way of a warrant article at your annual Town Meeting. As with any other Zoning change or ordinance creation it is governed under [RSA 675](#) .

Typical warrant article wording might be:

“Are you in favor of the adoption of Amendment No. ___ as proposed by the Planning Board for the Town of _____ Zoning Ordinance as follows: Pursuant to [RSA 674:51](#), adopt enforcement of the State Building Code as set forth in RSA Chapter [155-A](#); create the appointed position of Building Inspector, as permitted under [RSA 673:1 V](#), to enforce the State Building Code: and (adding/amending/replacing)(Section___(cite to where the new language is going)) to authorize the Building Inspector to review and determine compliance of building plans, issue building permits, inspect the work authorized by the building permits, issue appropriate use occupancy certificates, to charge reasonable fees for such service, and exercise other enforcement action as authorized by RSA Chapter [676](#).”

The actual zoning ordinances would need to be written so all of the conditions of RSA 674:51 are met. One thing we would suggest is not to make the ordinance include specific operational guidelines covering the day to day operation for the department. It is less cumbersome to not include these items in your ordinance and since there are times they may need changing or adjustment once you being to operate. Being restricted to making modifications to these items at the Town Annual Meeting may not be practical. We are speaking about items such as permit fee schedules, approved application forms, inspection polices, general department operation procedures. It is suggested that in the actual zoning ordinance the local legislative body be given authority to approve and or modify this “department policy manual”. The best simile we can offer is the department handbook is to your zoning relegations the same way NH administrative rules are to RSA’s. The Zoning regulations say you are going to enforce the codes the handbook outlines how you are going to meet the goals of the ordinances. This methodology allows greater flexibility in modifying those procedures because the legislative body doesn’t have to wait for Town Meeting if they need to be changed.

We are unable to find what some might consider a “typical” ordinance to offer up as an example. Every one we have reviewed is as unique as the community that created it. What is important is the ordinance contains at the very minimum those items specified in RSA 674:51:

- The date of first enactment of any building code regulations in the municipality and of each subsequent amendment thereto.
- Provision for the establishment of a building code board of appeals as provided in RSA 673:1, V; 673:3, IV; and 673:5. The power of the appeals board is governed by 674:34.
- Provision for the establishment of the position of building inspector as provided in RSA 673:1, V.
- The building inspector shall have the authority to issue building permits as provided in RSA 676:11-13 and any certificates of occupancy as enacted pursuant to [RSA 674:51 IV](#), and to perform inspections as may be necessary to assure compliance with the local building code.
- A schedule of fees, or a provision authorizing the governing body to establish fees, to be charged for building permits, inspections, and for any certificate of occupancy enacted pursuant to paragraph RSA 676:13 III.

How do we “set up” a building department?

One scenario is to have the building department as a division of community development in order to achieve cost savings by sharing resources such as administrative staff. We also know of some communities where they are part of the public works department and of late they have been moved into the public safety department under the fire department. In any case it is important for everyone to understand while the building department may be located under another department as a division, and the supervisor has complete control of how the inspector interacts with the general public and customers, supervisors do not have the authority to overrule the inspector’s code determinations. That is why the creations of the policy for timely appeals to the inspectors’ determinations is so important.

Record keeping is a large part of having code enforcement. A community needs to be aware that due to the requirements of [RSA 33-A:3-a](#) they will have to determine how and where they will keep the documents they will be required to retain. How your community achieves the goal of complete record keeping may be as basic by the use of file cabinets and computer spreadsheets to the opposite end of the spectrum with the use of sophisticated permit tracking software. Aside from the statutory requirements record retention is also a benefit for property owners by having a history of how their buildings have changed over time.

Does it have to be a separate job within our organization?

The creation, location and financing of a building department is driven by many factors but in each case it is what works best for your community and what is the best use of your resources. In the majority of communities in NH from the smallest town to our capital city the building inspector wears more than one hat. We believe it is fairly safe for us to say in at least 75% of the municipalities that have building code enforcement the building inspector is also the zoning compliance officer and the town health officer. This multi-discipline position has come about because a building inspector must have knowledge of local zoning regulations and state health regulations because they impact construction. A building inspector must familiar with zoning regulations as noted in [RSA 676:12](#) and local land use regulations. The building inspector must have open communications with representatives of the local planning board, zoning board, public works department and the fire department. The creation of a multi-discipline position is also helpful in determining what your permit fees should be in order to cover the portion of the work load attributed to perform the building inspector’s duties.

Who do we hire?

Currently there are no statutory qualifications for the position of building official/inspector. The individual needs construction industry experience or previous building inspection experience. One thing we do suggest not be done is to hire a local trades person to fill the position unless it is stipulated they are not permitted to continue work at their trade in the community. Perception is everything in today’s government environment and to have a competitor inspect your work will not set very well with some people. We would be remiss if we did not draw your attention to a very important bit of information. In a small department with only one or even two inspectors it needs to be understood the inspector(s) needs knowledge not only in building construction but also plumbing, electrical, and mechanical systems. Lastly in today’s technologically changing world the individual must possess a reasonable amount of technology understanding and proficiency.

How do we ensure they will know how to do the job?

One reason for having a building inspector to ensure proper application of today's construction technology therefore it is essential the individual have adequate knowledge and continuing training. In an ideal world a community would be best served to have a requirement for the person to have code enforcement certifications. Certifications do not imply the person knows the codes by rote but it does confirm they understand how to read, interpret and properly apply the codes. Communities have been known to include in their selection process "test" questions for applicants to determine the extent of initial code knowledge. This is very helpful when determining how long the learning curve might be for a prospective building inspector. The alternative is to have requirements for all applicants to possess some level of certification from the code promulgating agencies. There have been times where communities have requested the participation of a neighboring community, having building code enforcement, in the applicant review and interview process. This participation builds a stronger relationship between communities affording each the opportunity to utilize the others expertise in emergencies and for coverage during times of vacation and sickness. For more information on inspector certification please visit the [ICC certification website](#) .

How much liability do we incur if we have code enforcement?

Municipal liability with regards to building code enforcements is limited much like all other municipal activities. [RSA 155-A:2 VII](#) states the contractor is responsible for ensuring their work meets the state code requirements. The statute further states the municipality may not be held liable for failure of the contractor to meet the codes. However the failure of the inspector to perform required inspections or to set aside code requirements could invoke some liability on the municipality. The inspector may also subject themselves to criminal prosecution per [RSA 643:1](#). This is why it is very important once a community undertakes code enforcements it must be done on an equitable and uniform basis.

How do we fund this without raising taxes?

Building inspection program costs are offset by user fees. Nationally there has been a trend towards user fees to offset government programs which do not have a town wide user base programs such as roads, police & fire services. Building inspection programs have been historically funded by a user fee. In some communities these fees have been minimal while in others they have been substantial since they are based upon what is the cost of running the program. A community just starting to bring building inspection online could try to determine from historical information by way of property assessing records to determine just how much growth the community has experienced. Permit fees are either based upon value of construction or by area (square footage) methods. However, it is suggested looking at what neighboring communities, having code enforcement, are charging for their permits and try to stay fairly close to what they charge. Every 2 -3 years communities will reach out to other communities of similar size and do a comparison to see what their neighbors are doing. You do not want to undercharge nor do you want to be drastically higher. In any case the building department should not be looked upon as a revenue generating program. One other thing to keep in mind about your building department, not only are they there to provide construction oversight they are there to help other property owners with questions about their property. They are not home inspectors but will

be able to offer code based answers to some of their property issues. So even if your fees do not cover all of the program costs every property owner in the community will have an additional resource at their disposal.

- **Sample job description**

The Building Code Official shall be knowledgeable in building construction practices and procedures, including building codes, fire codes, plumbing codes, the National Electric Code, Life Safety Code, and mechanical codes and systems. The Building Code Official shall be knowledgeable with regard to statutes pertinent to building code enforcement. The Building Code Official shall be able to read and interpret blueprints, construction plans and other documents be able to perform inspections of construction and building sites and exercise independent judgment and discretion. The Building Code Official shall possess excellent research and organizational skills, be able to manage his/her time effectively and balance competing demands. Be able to communicate effectively, both orally and in writing and shall be able to work professionally with other employees and officials of the Town, as well as members of the general public. The Building Code Official shall also be able to organize and direct meetings with regard to plan and code issues with owners, contractors, architects and others, especially in potentially adversarial and confrontational situations. The Building Code Official shall also have the ability to delegate, assign, direct and evaluate the work of the Building/Health Code Inspector. Shall participate in continuing education and secure a minimum of 10 C.E.U. each year.

TYPICAL DUTIES:

The following are some of the typical duties of the Building Code Official. It is not intended to be exclusive of other related duties which may be required from time to time:

- *Conducts inspections of new construction, septic and water systems and other related areas through the town at progressive steps to ensure conformance to codes and zoning ordinances.*
- *Discusses code enforcement issues with the contractors, developers and other public and private property owners.*
- *Reviews subdivision, site and other plans as required and advises the Town Planner of zoning violations, and may attend. Planning and Zoning Board meetings to explain reasons for decisions made.*
- *Attends Planning and Zoning Board meetings to inform the board and testify with regard to code compliance determinations and enforcement actions.*
- *Inspects and enforces ordinances and codes in response to citizen complaints.*
- *May be required to participate in fire department and/or emergency management activities involving safety assessment, hazard abatement, and protection of life, safety, and property.*
- *Reads and interprets blueprints, construction drawings, building plans, and other documents.*
- *Evaluates plans and designs for compliance with applicable codes.*
- *Determines areas of compliance deficiency evaluates and prescribes corrective and/or remedial action.*
- *Performs site inspections.*
- *Prepares written findings and correspondence regarding, compliance determinations, reports of compliance and enforcement issues and actions, activity reports, and other reports and correspondence as needed and /or required.*
- *Schedules, organizes, and directs meetings with other town employees, owners, contractors, architects and engineers with regard to plans, designs, codes, code compliance issues and actions.*

MINIMUM QUALIFICATIONS

Appointees to the position of Building Code Official must possess the following minimum qualifications:

- Five (5) years' experience as an architect, engineer, building inspector, or building contractor, two (2) years of which shall have been in a supervisory capacity.
- Two (2) years of college or technical coursework in building technology, architecture, or engineering, or
- Any equivalent combination of education and experience which demonstrates possession of the required knowledge, skills, and abilities.
- A valid driver's license in the state of appointee's residence.
- Be certified by the International Code Council as a Certified Building Official or achieve certification within 1 year of employment.

SUMMARY:

The Building Code Official is a supervisory technical professional position responsible for reviewing and evaluating construction plans and other documents, and performing on-site inspections of renovations and new construction to determine compliance with applicable codes, regulations, and ordinances. The Building Code Official communicates findings with owners, architects, contractors, and others with regard to any clarification or interpretation of codes, and shall have the authority to initiate enforcement action pursuant to any codes, regulations, and / or ordinances within the scope of his/her duties. The Building/ Code Official's position involves work both indoors and outdoors, during all kinds of weather conditions, in potentially hazardous environments, requiring moderate degrees of physical exertion such as walking, climbing, occasional lifting of less than fifty pounds, and also involves significant sitting and standing. This position also involves the physical and visual inspection of construction plans and construction work, and effective oral and written communication with other employees and members of the general public. This position may involve occasional work outside regular working hours.

This is only an example of the skill a potential, building inspector should possess in order to be effective in ensuring code compliance.

○ **Sample permit fee schedules**

The following are links to different municipal web sites posting their permit fee schedules. These links are only for example purposes and are not intended to be construed as the only methodology to be used in establishing permit fee schedules. It should be noted when communities use construction value of work being done the building department uses the standardized square foot construction cost value available at [ICC](#).

[Londonderry, NH](#)

[Chester, NH](#)

[Berlin, NH](#)

[Durham, NH](#)

[Meredith, NH](#)

[Greenland, NH](#)

[Bedford, NH](#)

[Greenfield, NH](#)

Part II

How will the department operate?

The hardest part of being a new building inspector in any community is what has been done in the past. Whether the position is brand new or you're replacing someone there will be strong resistance to change. This doesn't necessarily mean what has been done in the past was incorrect (in the case of replacing a predecessor) but each inspector's outlook and methodology for approaching the job is unique. The single most important aspect pertaining to the operation of a building code enforcement agency is **consistency**. While accurate code application is essential it means very little if it is not applied uniformly. Having operating guidelines and procedures in place so application requirements, application reviews, inspection requirements, inspection performance and code application standard are the same today as they are a week from now. Making sure the process is the same for every job and every applicant is held to the same standards.

One of the most useful tools for consistency in a building department is having operating procedures which are written down and approved by the local legislative body separately from any warrant article. Having such a document provides the following benefits:

- These rules are approved by the legislative body which provides validity they are not just "made up".
- Since the procedures are written down then everyone has the ability to view them and see just what it is they will be required to do.
- It also lets people know what you are required to do.
- It is a way for you to validate they are not being "picked" on since everyone else has to follow the rules.

The handbook could cover procedures such as:

- Required permit types.
- Required documentation for each type of application.
- Application review policy.
- Required inspections.
- Inspection requirements.
- Policy for making inspection requests.
- Re-inspection policies.
- Fee schedules

Another advantage to having a procedures handbook/manual is when the community needs someone to cover due to vacation or illness then the replacement person will know just exactly how the department operates and will not constantly get "we don't have to that" from applicants. In any case a procedure handbook/manual must always be a "living" document. As the code enforcement environment changes such a document should be reviewed on a regular basis for refinements.

If you are in a brand new department or in an existing one that doesn't have such a document talk to neighboring communities to see what they do. Most communities having such a document are more than willing to share.

Permits

The state adopted building codes outline in their respective administrative sections when and what types of permits are required. In addition to permits covered by the state construction codes the community will need to examine any local regulations that need permits as well that could be handled by the building department. Two such permits very frequently overseen are septic system and sign permits. The most common permits required by building department are:

- Building construction (new, remodel, addition, replacement)
- Electrical permits
- Plumbing permits
- Mechanical permits
- Septic permits
- Sign permits.
- Swimming pool permits

Other permits generally required but may be overseen by the fire service are:

- Oil Burner permits
- Gas appliance permits (both heating and decorative)
- Gas piping permits
- LP tank permits
- Wood & pellet stove/insert permits

This last group is generally considered by some as to being the jurisdiction of the fire service however if your community has code enforcement and only a call or volunteer fire service then it could be beneficial for the code enforcement individual to take on this permit oversight as well. Since it is quite common for the building inspector to be at the site for another reason it makes no sense to tie up community resources and send another individual out to the site.

In some jurisdictions permits are actual separate documents from the permit application forms. The complexity of these forms is somewhat dependent on the permit fee schedule. If you look at this first example [example 1](#) it is from a community that bases their fees on cost of construction. This second example [example 2](#) is from a community where fees are based upon building square footages and systems. Neither is right nor wrong. It is a case of what works for the community itself. The important thing about application forms is to get the pertinent information needed to understand what it is the applicant wishes to do. Most communities are more than willing to offer up their documents in a form you are able to alter for your needs.

Application Documents

Application forms providing the narrative are of no use without appropriate documents. We don't mean just plans. Documents such as NH DES approval for construction septic plans, curb cuts (driveway permits) for the municipal Public Works (or DOT if state highway), energy code compliance documents, and local land use permits. The types of documents needed vary from community to community but it is important a complete list be generated for each type of project. See [RSA 676:13](#) | it makes it quite clear no permits are to be issued unless all regulations are complied with.

Accurate and complete application documents are essential for timely and accurate project reviews. Application reviews generally encompass at a minimum the following aspects:

- Compliance for local land use regulations
- Structural strengths and stability
- Energy efficiency
- Means of egress (stairs, raisings & guards, doors, etc.)
- Life safety
- Occupant health

Complete plans will provide you information for all for the above aspects. Code language states the construction documents “show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*”. Statements on the plans such as “shall comply with local codes” do not meet the intent of the code language. Such a statement could be an indication the person creating the plans does not know what the code requirements are.

Plans for projects covered by the International Residential Building Code (IRC) do not need to be created by a licensed design professional provided the designer follows the prescriptive requirements of the codes. If they don't follow the prescriptive method then a design professional will be required to provide plans for those portions that are not in compliance. While one needs to provide help for those not well versed on correct construction techniques and practices, **it is advisable the building inspector never to become “the designer of record”.**

Plans for projects covered by the International Building Code & the International Existing Building Code are another matter. Today's commercial code has been written based upon the premise there will be a licensed design professional involved. For completely new structures there is no doubt all aspects of the build need to be overseen the licensed design professionals. The building inspector has the authority to accept plans not prepared by a design professional if they feel the plans as presented clearly depict compliance with all aspects of the enforced codes. However in doing so do not inadvertently become “the designer of record”. [RSA 310-A:52](#) explains the exemption to the architects licensing laws. [RSA 310-A:27](#) is the exemption to the engineering licensing law. Look at [RSA 310-A:2](#) to see what the statutes consider to be engineering and [RSA 310-A:28](#) for what the statutes define as architecture. Review these statues very carefully because developers, property owners, or contractors will sometimes strongly fight the required use of a design professional because it costs money.

Types of Required Inspections

The state adopted codes provide a very basic list of required inspections in their respective administrative sections. However the scope of those lists is very limited when considering the building

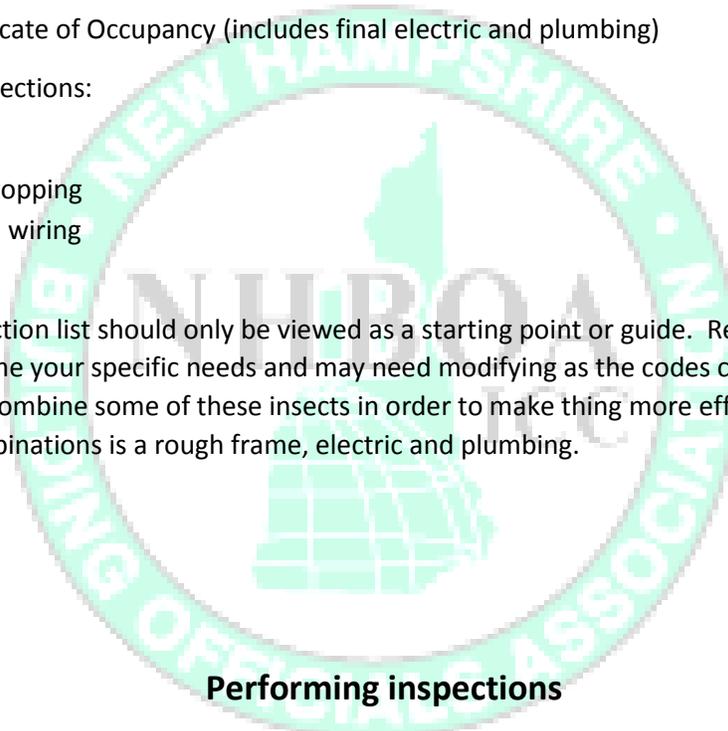
inspector, at the time of issuance of Certificate of Occupancy for a project, is stating he/she has found no violations of the code. In order to be able to make such a statement these are the most common inspections required:

- Footing – before concrete is poured (this also pertains to piers)
- Foundation – ready to backfill (this maybe the time to verify its location on the parcel of land if required by local zoning regulations)
- Underground electrical and or plumbing
- Building framing
- Rough electrical
- Rough plumbing
- Mechanical
- Insulation
- Final/Certificate of Occupancy (includes final electric and plumbing)

Other common inspections:

- Gas piping
- Fire/draft stopping
- Low voltage wiring
- Septic basal

This “typical” inspection list should only be viewed as a starting point or guide. Required inspection lists need to flexible to me your specific needs and may need modifying as the codes change. Many jurisdictions try to combine some of these insects in order to make thing more efficient. One of the most common combinations is a rough frame, electric and plumbing.



Performing inspections

When performing inspections you need to ask yourself just what am I looking for? This where various checklists will come in handy. Checklist do two things:

- First, they serve to provide continuity every time you perform any inspection.
- Second you have a record of the items you inspected for comparison to the code requirements.

When first starting out these checklist will probably be very detailed since there are numerous facets of the building to look at. As an example the checklist for stair framing might be like this:

- Rise & run of the stringers
- Headroom clearance in the rough – if it just meets in the rough then it won't pass in the finish.
- Size of material used to create the stringers.
- How are the stringers attached/supported at the top and bottom?
- Winders – do they meet the minimum depth at the narrow end? Are they deep enough at the walkline?

- Do they need draft stopping?
- What material is going to be used to create the finished steps?

In the beginning all of your checklists will be this detailed even if you come from the construction industry. Having a construction industry background may be advantageous it will also make it difficult for you. Making the change from industry to regulator is difficult because your perspective **must** change since “what works” may not be the same as what the code requires. You are charged with enforcing the codes as they are written. You have some latitude to accept alternative methods but be very cautious in doing so. It is better to stick to the code requirements for sake of uniformity and reserve those “alternative methods” for very unique situations. In new construction from the ground up there is never any reason why the requirements are not able to be met. It is in remodels and renovations where these “alternatives” will most likely be useful.

One word of caution when creating your checklists: Try to create them in such a way so the items on it are key words which trigger you look at multiple items rather than make them just one fact specific. If your checklist are too specific people have a tendency to only look at those items on the list and may miss other problems “because it wasn’t on my checklist” never hesitate to take a look around. Examples of this might be on your checklist:

- Stairs – it reminds you the need to check all the items for stairs such as handrails (and all of their details), rise & run of the stringers, size of material used to make the stringers, headroom.
- Rough electric (residential) – outlet box spacing, size of electrical box (large enough to accommodate all of the wires in the box?), wires sizes, wire securing, etc.
- Plumbing – wet vent order, use of T’s instead of Y’s, support of pipe, etc.

There are many resources available for creating these checklist: talk to the state plumbing, electrical, & gas inspectors. There are inspection checklists available from ICC and never hesitate to talk other building inspectors in the state. We have never known of an inspector to refuse to provide guidance to another inspector.

Lastly we need to explore how you will schedule your inspections. This will have to be determined based upon several factors:

- Are you full time or part time?
- How heavy is your workload?
- How big is the jurisdiction you are covering? (you will be surprised how much of your day can be eaten up by driving from one stop to another)
- Will you be willing to perform inspections without the contractor being present?
- What will your office hours be? (offices hours are as unavoidable as taxes and death)

Each of these factors will govern such things as:

- Will you do inspections the same day as requested? If not then, how much notice will you require?
- Will you schedule specific times for inspections? If you will do this keep in mind it may limit the number of inspections you are able to do on any given day.
- What are your other jobs besides building inspector?

Inspection & Field Correction Notices

The majority of the time the contractors will be at the project during your inspections. Some jurisdictions requires the contractors and “trades” to stand for their inspections. This does serve a useful purpose since it permits the inspectors to have direct interaction with the contractor at the time of the inspection in order to explain why there may be deficiencies and how they may be corrected. Or you may not need them to be on site, however if the project is in an occupied dwelling or place of business then you should never enter these locations without an owner or their representative being present.

You will always need to have some sort of standard inspection notice form. These forms should be at least a 2-part carbonless form with the top part left at the construction site and the copy goes with you into the file. This eliminates any discrepancies between what you told the contractor and what the contractors thinks you told him. The file copies will need to be kept with the project folder for future reference unless your community keeps those records electronically. These inspection forms should indicate the date of the inspection, the type of inspection, if the inspection passed or failed, if it failed what is wrong, if permission is being granted for the project to continue at this time, and the signature of person performing the inspection.

Depending upon department policies sometimes items needing correction are minor in nature and corrections may be verified at the next required inspection. An example of this might be: nail plates were missing for the plumbing system and their installation is easily verified during the insulation inspection. Actions such as this depend upon several factors:

- Your confidence in the contractor.
- Department policy.
- The severity of the deficiency.
- Will further work only compound the deficiency or obscure the correction?

Department policies & procedures

Earlier it was mentioned how important department operations policies and procedures are and why they need to be written down. It is also advisable these be approved by your local legislative body so there is no question at a later date when someone doesn't like how things are being done there will be no legitimate objection by municipal administration as to the department polices. If the department you are coming into doesn't have any type of written SOP (standard operating procedure) you need to get a sense of how things have been done in the past and start getting those down on paper so you may review and refine them enabling you have them approved by the town as soon as reasonably possible. If you have them down on paper in a SOP document you can at least begin to follow the procedures to bring uniformity into department operations. Many communities have these procedures in place but they may not be consolidated into a single document. If they are contained in a single document it is much be easier to provide that information to the general public but is not necessary as long as the information is available and is uniformly followed.

Sample application & permit forms

The following links are to various building department web sites where forms are available online. Inclusion or exclusion from this list does not infer in any way that NHBOA is recommending these formats be or not be used. This list is only for purposes of providing examples of how they may be formatted.

Sample application & permit forms:

[Town of Bedford](#) [Town of Bow](#) [City of Concord](#) [Town of Meredith](#) [Town of Milford](#)
[City of Nashua](#) [Town of Peterborough](#) [City of Portsmouth](#) [Town of Wolfeboro](#)

Denial of Permits

With very few exceptions permits will rarely be denied. Often applications have code deficiencies which when corrected will allow the permit to be issued. However when applications are not in compliance with local land use regulations then permits should be denied. This denial should be fully explained to the applicant prior to the official document being issued. If this is not done the situation will almost always become contentious. However if you personally explain to the person why you are not able to issue the permit and provide them with timely guidance as to how they could make the project compliant or how they may seek relief from the land use regulations which prohibits their project from moving forward then it is more likely you will be seen as being an asset to help them work through the process. Any time you are able to be perceived as being helpful rather than an obstructionist you will only enhance your standing in the community. You need to be aware of [RSA 676:12](#) [RSA 676:13](#) [RSA 674:41](#) all of which contains certain statutory instances where you are prohibited from issuing permits. In any case the denial of a permit application must be in writing and the denial must specify what code section or land use regulation would be violated if the permit is issued. The denial must also include notification of the right to appeal your decision under [RSA 676:5](#)

Stop Work Orders

There will come a time in your career due to complete disregard for regulations or refusal to comply with correction orders you must issue a "STOP WORK ORDER". This needs to be done to one: make it perfectly clear to the violator they must stop work and you are providing them required due process, and secondly: by issuing the stop work order you are not putting the town or yourself in a position of creating a hardship for the violator by allowing them to continue which more than likely make the needed correction even costlier. The building codes provide the inspector the authority to issue stop work orders.

115.1 Authority. *Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.*

115.2 Issuance. *The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order,*

the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

115.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

It is sometimes tempting to not issue the order because they will “take care of the issue”. But remember you are now in a position of being held accountable and you need to practice uniformity in your activities. Be very mindful the order must outline the reason for the order and provide conditions under which the work may resume. **Due process must be followed.**

Certificate of Occupancy

The adopted building codes require the issuance of Certificate of Occupancy. The practical side is that the CO's may also be required by construction loan lenders or they may be a condition for the contractor to be paid for their work. [RSA 676:12 V](#) makes it clear that no building shall be used or occupied in a new subdivision unless in compliance with this statute. Otherwise once a project meets all local regulations and is in compliance with the enforced codes the CO may be issued. The CO document must contain the following items:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy, in accordance with the provisions of [Chapter 3](#).
9. The type of construction as defined in [Chapter 6](#).
10. The design *occupant load*.
11. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building *permit*.

We are including as an example:

Town of _____

New Hampshire

Telephone
(603) ____-____

Building Department
(Street address)
_____, NH (zip code)

Fax
(603) ____-____

Email: _____@_____

CERTIFICATE OF OCCUPANCY

Monday, August 10, 2015

PERMIT
TYPE:
USE
GROUP:

PERMIT NO#

CODE :2009
IBC

CONSTRUCTION
TYPE:

2B

Parcel Information

Street Address:

MBLU#

OWNER

Mail Address

City, state, Zip

Phone

CONTRACTOR OF RECORD

NAME

Mail Address

City, State, Zip

Phone

PROJECT DESCRIPTION

CONDITIONS:

Note: The administrative agency responsible for performing inspections has, to the best of its ability, verified governing code compliance for this project. However, issuance of this Certificate of Occupancy does not relieve the contractor of any obligations as outlined under NH RSA 155-A:2 VII for governing code compliance issues that may be discovered after the issuance date of this document.

ISSUED BY:

BUILDING CODE OFFICIAL

Is the help available to help work through the start up?

Yes there is. NHBOA has created a mentorship program for both communities creating a code enforcement program and for building inspectors new to the profession. This program is designed to match the community with a NHBOA member code official/inspector in a nearby community of similar size. Either the community or inspector needs only to submit a request ([email NHBOA](#)) to begin the process. Our organization will contact inspectors in nearby communities, similar in nature, to find an appropriate mentor.

Organizations providing educational opportunities, memberships, & support

- NHBOA – New Hampshire Building Officials Association [NHBOA](#) (local building inspectors)
- ICC – International Code Council [ICC](#) (national code consensus group)
- GSDIA _ Granite State Designers & Installers [GSDIA](#) (septic designers & installers)

Resources, Statutes, State & Federal Agencies

- Statutes
 - [State Building Code](#)
 - [State Modular Building Code - Saf-C 3300](#)
 - [State Fire Code - Saf-C 6000](#)
 - [Local authority to enforce State Fire Code](#)
 - [Appeal of local enforcement of State Fire Code](#)
 - Statutes for Code enforcement
 - [RSA 155-A:2 VI](#)
 - [RSA 155-A:2 VIII](#)
 - [RSA 155-A:7](#)
 - [RSA 674-34](#)
 - [RSA 674:51](#)
 - [RSA 675](#)
 - [RSA 673:1 V](#)
 - [RSA 676:13 I](#)
 - [RSA 643:1](#)
 - [RSA 674:51 III \(b\)](#)
 - [RSA 674:51 IV](#)
 - [RSA 673:1 V](#)
 - [RSA 673:3 IV](#)
 - [RSA 673:5](#)
 - [RSA 677](#)
 - [RSA 33-A:3-a](#)
- Resources
 - [2009 IBC](#)
 - [2009 IEBC](#)
 - [2009 IECC](#)
 - [2009 IMC](#)
 - [2009 IPC](#)
 - [2009 IRC](#)

- [State Building code amendments](#)
- State Agencies and Boards
 - [NH Building Code Review Board](#)
 - [Dept. of Safety - Bureau of Building Safety & Construction](#)
 - [NH Joint Board Licensure & Certification](#) (architects, engineers, electricians, manufactured housing installers, board of manufactured housing, home inspectors, surveyors)
 - [Commission on Disability](#)
 - NH Department of Environmental Services
 - [DES one stop data retrieval](#)
 - [Subsurface systems \(septic\)](#)
 - [Water Well Board](#)
 - [Alteration of Terrain Bureau](#)
 - [Wetlands Bureau](#)
 - [Shoreland Protection Bureau](#)
 - [NH Office of Energy & Planning](#)
 - [Public Utilities Commission](#)
- Other resources
 - [International Code Council](#)
 - [National Fire Protection Association](#)
 - [Underwriters Laboratory for regulators](#)
 - [NH Health Officers Association](#)

